

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance are respectfully requested. By this Amendment, claims 1, 14, 20, 25, 36, 43, and 44 are amended, and claim 45-46 are added. Thus, claims 1-46 are pending for further examination.

Rejections under 35 U.S.C. § 103

Claims 1-35 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Itou (U.S. Patent No. 6,439,998) in view of Nakatani et al. (U.S. Patent No. 5,720,663), and Okita et al. (U.S. Patent No. 6,422,945). Claims 36 and 37 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Itou in view of Nakatani et al. and Suzuki et al. (U.S. Patent No. 5,592,609). Claims 38-44 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Itou in view of Nakatani et al and Komoto (U.S. Patent No. 6,273,814). These rejections are respectfully traversed for at least the following reasons.

The Examiner is thanked for providing a “Response to Arguments” section in the Final Office Action. From this section, it would seem that the term “optimal timing” has been interpreted in a very broad sense such that it refers to “the best timing associated with the game play.” The Final Office Action appears to further allege that “the movement pattern of every character on the display affects the input of the player and vice versa.” From these statements, it seems that the Final Office Action is arguing that every game necessarily involves the concept of “optimal timing,” since players would strive to complete the game in the best manner possible in every possible instance.

Although Applicant believes that this interpretation is overbroad at least because it overlooks the examples in the specification that guide the interpretation of the term “optimal

timing” and is an improper reliance on an inherency-type argument (at least because not all players attempt to complete every game in the best manner possible in every possible instance -- e.g., when only a threshold number of points is required to advance, when a player does not uncover every hidden item or fully explore an entire map, etc.), Applicant nonetheless has amended the independent claims to more clearly and patentably distinguish the claims over the cited art. Thus, without acquiescing to the propriety of the rejections, Applicant has amended claim 1 to specify that, *inter alia*, the game apparatus includes “one or more second storage locations for storing, for a plurality of enemies, one or more operation timing patterns indicating the optimal timing and consequence of one or more sequential player inputs to be input in association with a corresponding enemy.” The remaining dependent claims (i.e., claims 14, 25, 36, 38, 43, and 44) have been amended to recite similar features. These features are not taught or suggested by the cited art, alone or in combination. Thus, the cited art, alone and in combination, fails to render obvious these claims (and their dependents).

As explained above, the cited art does not include a second storage location storing, for a plurality of enemies, one or more operation timing patterns indicating the optimal timing and consequence of one or more sequential player inputs to be input in association with a corresponding enemy. Even under the expansive interpretation advanced in the Final Office Action, the notion of storing the optimal timing and consequence of matching the optimal timing is not present. Indeed, even if a player strives to complete the game in the best manner possible in every possible instance such that the player attempts to achieve “the best timing associated with the game play” wherein “the movement pattern of every character on the display affects the input of the player and vice versa,” there still is no teaching or suggestion of a second storage location storing, for a plurality of enemies, one or more operation timing patterns indicating the

optimal timing and consequence of one or more sequential player inputs to be input in association with a corresponding enemy. Differently stated, a player may attempt to complete a game in the best matter possible and thus (arguably) provide an (alleged) “optimal timing” without there ever being any consequence stored with the time -- much less a consequence to an enemy character.

Accordingly, reconsideration and withdrawal of all outstanding rejections are respectfully requested.

New Claims 45-46

New claims 45-46 have been added to encompass further originally disclosed subject matter. New claim 45 further specifies that “the consequence is related to an amount of damage to be done to at least one said enemy in the plurality of enemies and the optimal timing pattern is related to the likelihood that the amount of damage will be done to the at least one said enemy,” and new claim 46 similarly specifies that “the consequence is related to an amount of damage to be done to at least one said enemy and the optimal timing pattern is related to the likelihood that the amount of damage will be done to the at least one said enemy.” New claims 45-46 should be allowable by virtue of their respective dependence from claims 1 and 38, as well as the fact that they recite additional subject matter not found in the alleged combinations of references.

Conclusion

In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of this application are earnestly solicited. Should the Examiner have any questions

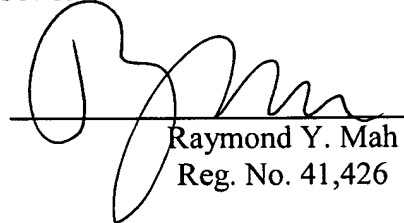
ITOI et al.,
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regarding this application, or deem that any formalities need to be addressed prior to allowance,
the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

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